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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HON. JEFFREY T. MILLER)

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1 he will have more time. But we estimate it will take at least six months to review
2 these conversations.

3 It is essential that these conversations be reviewed. Mr. Krapchan is
4 going to put forth the defense of entrapment and duress. Within the last 18 to 24 months,
5 he has been harassed, threatened, and cajoled by the informant in this case. We believe
6 the informant is a former KGB agent from Kazakhstan. We believe he has a reputation
7 for engaging in violent activities in his homeland. There may be certain treaties
8 that will allow us to get information from Kazakhstan and that may be the subject of
9 further motions.

10 For this reason, we believe that, based on the Points and Authorities below,
11 this case should be declared complex.

12 13 POINTS AND AUTHORITIES

14 The Speedy Trial Act allows for a finding of complexity.

15 18 U.S.C. § 3161(h)(8)(B)(ii) states:

16 “(ii) whether the case is so unusual or so complex, due to the number
17 of defendants, the nature of the prosecution, or the existence of
18 novel questions of fact or law, that it is unreasonable to expect
adequate preparation for pretrial proceedings or for the trial itself
within the time limits established by this section.”

19 Our case fits under this section. It will take at least six months for
20 our client to listen to the 45 CDs of recorded conversations. The majority of the
21 conversations are in Russian, so counsel cannot assist in the listening process.

22 Further, it is contemplated we will need to interview witnesses in Canada
23 in preparing our defense to the charge.

24 This investigation started between 18 and 24 months prior to
25 Mr. Krapchan’s arrest. We believe the government utilized a paid informant who
26 formerly worked for the KGB in Kazakhstan. We may need to obtain records from
27 Kazakhstan concerning his prior activities and reputation for violent acts.

Dated: August 12, 2008

Respectfully submitted,

S/Michael Pancer

MICHAEL PANCER
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MICHAEL KRAPCHAN
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Case No. 08-CR-02386-JM
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am a citizen of the United States and am over the age of 18 and not a party to the within action. My business address is 105 W. "F" St., 4th Fl., San Diego, California 92101. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

On August 13, 2008, I served the foregoing documents described as "**MOTION TO DECLARE CASE COMPLEX PURSUANT TO 18 U.S.C § 3161 (h)(8)(B)(ii)**" in this action by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies the following:

David Robert Denis
attydenis@aol.com

Michael Pancer
mpancer@hotmail.com

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 13, 2008, at San Diego, California.

Arleen Castro
Arleen Castro